

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD MAY 19, 1998 AT 2:30 P.M. IN WARRENTON, VIRGINIA.

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AUBURN DAM

A work session was held for the Board of Supervisors to receive an update on the Auburn Dam project from the Natural Resources Conservation Service.

WARREN COUNTY BOUNDARY ADJUSTMENT

Supervisor Green hosted a work session to update Board members on the Warren County boundary adjustment project.

TELECOMMUNICATIONS PLAN AMENDMENT AND ZONING ORDINANCE AMENDMENT

A work session was held to discuss the Telecommunications Plan amendment and Zoning Ordinance amendment.

ADOPTION OF THE AGENDA

Mr. Weeks moved to adopt the agenda as published. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

CITIZENS TIME

No one spoke during Citizens Time.

CONSENT AGENDA

Mr. Weeks moved to adopt the following items on the Consent Agenda. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks
Nays:	None

Absent During Vote: None
Abstention: None

Approval of the Minutes of the May 5, 1998 Regular Meeting

A Proclamation Recognizing May 17-23, 1998 as Business Appreciation Week in Fauquier County

PROCLAMATION

A PROCLAMATION RECOGNIZING MAY 17-23, 1998 AS BUSINESS APPRECIATION WEEK IN FAUQUIER COUNTY

WHEREAS, Fauquier County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Fauquier County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, these businesses also make significant contributions in our communities by promoting educational opportunities for our children and promoting a variety of activities which increase the quality of life of the area; and

WHEREAS, we recognize and appreciate these businesses; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 19th day of May 1998, That we hereby recognize our existing businesses and, by virtue of this Proclamation, give notice to our citizens that we salute Those Businesses Who Make Virginia Work; and, be it

PROCLAIMED FURTHER, That the week of May 17-23, 1998, be, and is hereby, Business Appreciation Week in Fauquier County, Virginia.

A Proclamation to Recognize the Month of May, 1998 as Adult Abuse Prevention Month in Fauquier County

PROCLAMATION

A PROCLAMATION TO RECOGNIZE THE MONTH OF MAY 1998 AS ADULT ABUSE PREVENTION MONTH IN FAUQUIER COUNTY

WHEREAS, May is designated as Adult Abuse Prevention Month; and

WHEREAS, Adult Abuse Prevention Month provides an opportunity to give special recognition and honor to the many contributions older adults and

adults with disabilities make to our communities; and

WHEREAS, the known incidence of abuse, neglect, and exploitation of vulnerable adults continues to increase; and

WHEREAS, abuse of citizens least able to protect themselves causes harm to individuals, families, and communities; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 19th day of May 1998, That the month of May, 1998 be, and is hereby, recognized as Adult Abuse Prevention Month in Fauquier County and calls its significance to the attention of all citizens.

A Resolution to Authorize the County Administrator to Sign an Agreement for the Purchase of Electric Service by Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO SIGN AN AGREEMENT FOR THE PURCHASE OF ELECTRIC
SERVICE BY MUNICIPALITIES AND COUNTIES OF THE COMMONWEALTH
OF VIRGINIA FROM VIRGINIA ELECTRIC AND POWER COMPANY

WHEREAS, the Virginia Association of Counties and Virginia Municipal League have negotiated the purchase of electric service for municipalities and counties of the Commonwealth of Virginia; and

WHEREAS, the rates under the new agreement for the purchase of electric service from Virginia Electric and Power Company are lower than rates under the previous agreement for purchase of electric service which expired 30 June 1997; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 1998, That the County Administrator be, and is hereby, authorized to sign the Agreement for the Purchase of Electric Service by Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company effective July 1, 1997 through June 30, 2000.

A Resolution Issuing a Reduction in Force Directive and Eliminating Program Functions and Position Classes Designated for Reduction

RESOLUTION

A RESOLUTION ISSUING A REDUCTION IN FORCE DIRECTIVE AND
ELIMINATING PROGRAM FUNCTIONS AND POSITION CLASSES
DESIGNATED FOR REDUCTION

WHEREAS, pursuant to Fauquier County Personnel Policy Section 26, a Reduction in Force of the number of approved positions is necessitated "by a lack of work, lack of funds, and/or the elimination of one or more program functions"; and

WHEREAS, the Board of Supervisors acknowledges the need to issue a Reduction in Force Directive; and

WHEREAS, the Board of Supervisors has designated program functions

and position classes for reduction upon the receipt of the County Administrator's recommendation; and

WHEREAS, the program function of the Warehouse that includes the position class of Warehouse Co-Manager is designated for elimination; and

WHEREAS, the program function of Fiscal Planning that includes the position class of Coordinator of Fiscal Planning is designated for elimination; and

WHEREAS, the program function of Facilities Construction and Design that includes the position class of Facilities Construction and Design Supervisor is designated for elimination; and

WHEREAS, the program function of Gypsy Moth Coordination that includes the position class of Gypsy Moth Coordinator is designated for elimination; and

WHEREAS, the program function of the Soil Technician that includes the position class of Soil Technician is designated for elimination; and

WHEREAS, a severance package for those positions eligible for severance will be developed for approval on June 2, 1998, by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 1998, That this Reduction in Force Directive be, and is hereby, issued; and, be it

RESOLVED FURTHER, That the following programs be, and are hereby, designated for elimination effective July 1, 1998:

Warehouse Co-Manager
Coordinator of Fiscal Planning
Gypsy Moth Coordinator
Facilities Construction and Design Supervisor
Soil Technician

Acceptance of Miles Lane in Beaver Ridge Estates into the Secondary Highway System

RESOLUTION

A RESOLUTION OF ACCEPTANCE OF MILES LANE IN BEAVER RIDGE ESTATES SECONDARY HIGHWAY SYSTEM

WHEREAS, the street described below was established October 4, 1979, and currently serves at least three families per mile; and

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of

May 1998, That this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1(D), Code of Virginia:

Name of Street: Miles Lane Length: 0.32 miles
From: Route 674
To: Dead End
Guaranteed Right-of-Way Width: 50 Feet
Plat Recorded, Date: 12-9-97 Deed Book: 388 Page: 112

and, be it

RESOLVED FURTHER, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and, be it

RESOLVED FURTHER, that this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to §33.1-72.1(D), Code of Virginia; and, be it

RESOLVED FURTHER, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Preliminary Plat - Richard and Eleanor Butler, Nicholas and Michele Glowicki, Coles Building Corporation, Phillip and Linda Gibson, and Leocade Leighton, Owners - Broken Hills Subdivision

No action was taken.

Preliminary Plat - Phillip Thomas, Charles Matheson, and Richard Reimenschneider, Owners - Marshall Shopping Center

No action was taken.

Telecommunications Plan Amendment and Zoning Ordinance Amendment

RESOLUTION

A RESOLUTION OF INTENT TO AMEND THE
FAUQUIER COUNTY ZONING ORDINANCE AND
COMPREHENSIVE PLAN 1992-2010

BE IT RESOLVED by the Fauquier County Board of Supervisors this 19th day of May 1998, That the Board of Supervisors initiates and states its intent to consider amendments to the Zoning Ordinance and Comprehensive Plan 1992-2010 as they relate to telecommunication facilities; and, be it

RESOLVED FURTHER, That the Planning Commission is requested to advertise and hold a public hearing on these proposed amendments and to submit its recommendation to the Board of Supervisors.

SUPERVISORS TIME

Mr. Weeks indicated that he had received a signed petition from the residents of Broken Hill, Section 6A, which requested the paving of the road in that section. All Board of Supervisors agreed that this request be added to the end of the Virginia Department of Highways' list of roads to be paved.

Mr. Weeks also had a policy recommendation requesting that the County Administrator's office prepare a resolution indicating that two meetings be held during the year, one in June and one in January, to allow for open dialogue between the Board of Supervisors and citizens. Citizens would be allowed three minutes for comments, questions, suggestions, etc. and Board responses would be as brief as possible. Each department head within the County should attend, including consolidated departments. Additionally, Mr. Weeks would like for the Board of Supervisors to recommend to the School Board that it adopt a similar resolution. The meetings would be held at Warrenton Middle School beginning at 7:00 p.m. and ending at 11:00 p.m. Board members concurred with Mr. Weeks' recommendation and requested that the County Administrator's office prepare the resolution.

Mr. Mangum reminded Board members of the legislative update being held at the First Baptist Church's Family Life Center in Warrenton. He encouraged all that could attend this important update to do so.

ANNOUNCEMENTS

Randy Wheeler, Deputy County Administrator, announced that the Virginia Municipal League was requesting support in asking legislators to veto House Bill 335 regarding telecommunications infrastructure issues. Board members indicated their support of this request and asked that Mr. Wheeler construct the appropriate correspondence.

FAUQUIER COUNTY CODE AMENDMENT - ARTICLE II, CHAPTER 13

A public hearing was held to consider proposed amendments to Article II, Chapter 13, of the Fauquier County Code. The proposed amendments will permit the charging of drivers operating motor vehicles under the influence of alcohol or intoxicants under the County's Ordinance. By charging under the County's Ordinance, the County is able to retain a portion of the fines imposed within the Court process. The proposed amendment, Article II, incorporates by reference the State Code provisions relating to driving under the influence. The Ordinance also incorporates by reference any future amendments. No one spoke in favor or in opposition of the request. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE REPEALING AND REENACTING ARTICLE II OF CHAPTER 13 OF THE CODE OF FAUQUIER COUNTY ENTITLED TO DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS AND OTHER INTOXICANTS

WHEREAS, the magistrates of Fauquier County have suggested changes to Article II, of Chapter 13 of the Code of Fauquier County regulating the driving of motor vehicles under the influence of alcohol, drugs and other intoxicants; and

WHEREAS, the changes suggested incorporate all current non-felony provisions of the Code of Virginia having application to driving of motor vehicles under the influence of alcohol, drugs and other intoxicants; and

WHEREAS, the changes include provisions to automatically incorporate any future amendments to the Code of Virginia relating to driving of motor vehicles under the influence of alcohol, drugs and other intoxicants into the Code of Fauquier County; and

WHEREAS, the Board of Supervisors of Fauquier County, by the adoption of this ordinance, deems it in the best interest of the health, safety and welfare of the citizens of the County of Fauquier to make the hereafter set forth amendments to Article II of Chapter 13 of the Code of Fauquier County; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County, this 19th day of May, 1998, That there is hereby adopted the following amendment to Article II, Chapter 13 of the Code of Fauquier County:

Sec. 13-25. Adoption of Article 2 (Sec. 18.2-266 et seq.) of Chapter 13 of Title 18.2 (Driving While Intoxicated) of the Code of Virginia of 1950, As Amended.

Pursuant to Section 46.2-1313 of the code of Virginia of 1950, as amended, all of the provisions and requirements of Article 2 (Sec. 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, and all future amendments thereto (except those provisions and requirements the violations of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the County) are hereby adopted and incorporated as part of this chapter of the Codified Ordinance of Fauquier County by reference and made applicable within the County. References to "highways of the Commonwealth" contained in such provisions and requirements, and all future amendments thereto, hereby adopted shall be deemed to refer to the highways and other public ways within the County. Such provisions and requirements and all future amendments thereto, are hereby adopted, mutatis mutandis, and made part of this chapter of the Codified Ordinances of Fauquier County as fully as though set forth at length herein, and no person within the County shall violate or fail, neglect or refuse to comply with any of the provisions of Article 2 (Sec. 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, and all future provisions of Article 2 (Sec. 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, and all future amendments thereto, hereby adopted by this section, shall be subject to the same penalties as are provided for said offense by Article 2 (Sec. 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended.

Sec. 13-26 Use of State Code Sections Numbers In Issuing Citations.

In the enforcement of this chapter, law enforcement officers shall, in issuing a traffic summons or citation, charge the violator with the numbered section of the State traffic laws, with the letter "F" as a prefix to such number, to indicate that the violation being charged is a County and not a State law violation.

Sec. 13-27. Report of Conviction to Division of Motor Vehicles.

The clerk of every court of record and the judge of every court not of record shall, within thirty (30) days after final conviction of any person in his court under the provisions of this article, report the fact thereof and the name, post office address and street address of such person together with the license plate number on the vehicle operated by such person to the commissioner of the division of motor vehicles who shall preserve a record thereof in his office.

Sec. 13-28. Penalty.

Where no specific penalty is provided for under this Article the penalties provided in Section 13-24 of this Chapter shall apply.

Sec. 13-29 through 13-33 reserved for future use.

and; be it

ORDAINED FURTHER, That the provisions of this Ordinance shall be in force on and after July 1, 1998, and all sections of Article II of Chapter 13 of the Code of Fauquier County and not contained in the amendments adopted by this Ordinance be, and are hereby, repealed from and after July 1, 1998, except as hereinafter provided; and, be it

ORDAINED FURTHER, That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before July 1, 1998; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to July 1, 1998; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance adopted on final reading and passage after July 1, 1998; and, be it

ORDAINED FURTHER, That whenever in Article adopted by this Ordinance or in any other ordinance or resolution of the County or in any rule, regulation or order promulgated by any officer or agency of the county under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where not specific penalty is provided therefor, the violation of such provision of such Article or any other ordinance or resolution of the County or such rule, regulation or order shall be punished in accordance with Section 1-7 of the Code of Fauquier County, as amended; and, be it

ORDAINED FINALLY, That it is hereby declared to be the intention of the Board of Supervisors that the sections , paragraphs, sentences, clauses and phrases of this Ordinance and of Article II, Chapter 13 of this Code of Fauquier County, as amended, hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or of Article II, Chapter 13 of the Code of Fauquier County, as amended, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses sentences, paragraphs and sections of this ordinance or of Article II, Chapter 13 of the Code of Fauquier County, as amended.

REVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider proposed revisions of the Community Development Fee Schedule to reflect a 50% reduction in special exception and site plan fees for nonresidential uses, as well as a new fee for the Type I Soil mapping services and the proposed fee increase for Agricultural and Forestal District. (This fee increase would apply to newly established Agricultural and Forestal Districts, an addition to or requested withdrawal from an established district.) Kitty Smith, Hope Porter and Sue Scheer spoke in opposition, requesting more information regarding the costs to process applications, the perception that the County is for business growth and against the farming community by requesting these fees, and requesting that there be no fee for renewing an agricultural and forestal district because of the restriction commitment made by the citizen when placing their property within the district. No one else spoke. The public hearing was closed. Mr. Burton moved to table the decision until the June 2, 1998 meeting until information could be reviewed regarding the costs related to this request. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

PROPOSED AMENDMENT TO CHAPTERS 6 AND 7 OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN TO ADDRESS THE EXTENSION OF PUBLIC UTILITIES TO VILLAGES AND SETTLEMENTS

A public hearing was held to consider a request to amend the text in Chapters 6 and 7 of the Comprehensive Plan to incorporate the extension of public water and sewer to villages and settlements facing an imminent health hazard, as identified by the Virginia Department of Health, where the landowner(s) has agreed to pay for the utility extension and the appropriate Public Authority is willing to serve the defined village or settlement; and to amend the Village of Fletcherville Plan (Chapter 7) to identify the area zoned Village (V) and Commercial-Village (CV), and a health Remediation District. Sam Butler and Keith Fletcher spoke in favor of the request. No one else spoke. Mr. Green moved to table the decision until the June 2, 1998 meeting. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

SPECIAL EXCEPTION - FAUQUIER COUNTY BOARD OF SUPERVISORS, OWNERS, AND FAUQUIER COUNTY PARKS AND RECREATION DEPARTMENT, APPLICANT

A public hearing was held to consider a special exception approval for the Fauquier County Board of Supervisors, Owners, and Fauquier County Parks and Recreation Department, Applicant, under Section 3-311, Public and Quasi-Public Uses, of the County Zoning Ordinance to allow for the construction and

operation of a maintenance and storage facility. The property is located on Green Road (Route 674) south of its intersection with Meetze Road (Route 643). Eloise Trainum spoke in favor of the request. Rick Stadler, Bruce Casner, and a resident of Beach Road spoke in opposition, noting the traffic already using the road, speed considerations, a bus stop on the top of a hill, hazmat storage concerns, and well contamination concerns. The public hearing was closed. Mr. Burton moved to table the decision until the June 2, 1998 meeting following a site visit to the proposed location. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. David C. Mangum; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin; Mr. Larry L. Weeks
Nays:	None
Absent During Vote:	None
Abstention:	None

There being no further business, the meeting was adjourned.